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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 BALMORE ALEXANDER VILLATORO,)

8 Plaintiff,)

9 v.)

10 PRESTON et al.,)

11 Defendants.)
12 _____)

3:16-cv-00531-MMD-WGC

ORDER

13 **I. DISCUSSION**

14 Plaintiff has filed a motion to amend his complaint but has not attached a proposed
15 amended complaint. (ECF No. 3). The Court has not yet screened Plaintiff's original
16 complaint. The Court grants Plaintiff thirty (30) days to file an amended complaint. If Plaintiff
17 chooses not to file an amended complaint within thirty (30) days, the Court will screen
18 Plaintiff's original complaint (ECF No. 1-1).

19 If Plaintiff chooses to file an amended complaint he is advised that an amended
20 complaint supersedes (replaces) the original complaint and, thus, the amended complaint
21 must be complete in itself. See *Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896
22 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original
23 complaint is irrelevant; an amended pleading supersedes the original"); see also *Lacey v.*
24 *Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012) (holding that for claims dismissed with
25 prejudice, a plaintiff is not required to reallege such claims in a subsequent amended
26 complaint to preserve them for appeal). Plaintiff's amended complaint must contain all claims,
27 defendants, and factual allegations that Plaintiff wishes to pursue in this lawsuit. Moreover,
28 Plaintiff must file the amended complaint on this Court's approved prisoner civil rights form and
it must be entitled "First Amended Complaint."

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